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15 **Attorneys for Plaintiff**
16 **SHARON WYATT**

17 **UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN JOSE DIVISION**

15 SHARON WYATT, on behalf of herself and others similarly situated,	16 CIV. NO. 04-03681 JF/RS
17 Plaintiff, vs. CreditCare, Inc. d.b.a. CREDITC.A.R.E., Inc. and MIKE GURNEY a/k/a TOM WRIGHT	18 CIV. NO. C04-04479 JF REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE, AND POSTPONE OTHER MATTERS, and [PROPOSED] ORDER
21 Defendants.	22 Date: November 18, 2005 Time: 10:30 AM Courtroom 3

23
24 **The parties hereby submit this joint statement:**

25 There are currently two pending matters against Creditcare, Inc. and Michael Gurney being
26 presided over by Hon. Jeremy Fogel (*Wyatt v. Creditcare, et al.* and *Panahiasl v. Creditcare, et al.*).
27
28

1 On November 8, 2005, the Court entered an Order allowing the Silicon Valley Law Group to withdraw
2 as counsel for defendants Creditcare, Inc. and Michael Gurney.
3

4 **Defendants' Counsel has Withdrawn; Parties Have Agreed to Postpone Matters**

5 Defendant Michael Gurney's continued deposition had been noticed for November 14, 2005.
6 The deposition of the original creditor of the underlying alleged debt, Dr. Hughes, D.D.S., had also
7 been noticed for November 14, 2005. Furthermore, depositions of plaintiffs were to take place in
8 December 2005 and February 2006 (the parties have agreed to the above sequence of the depositions).
9 Finally, plaintiffs were to respond to written discovery on or about November 16, 2005.

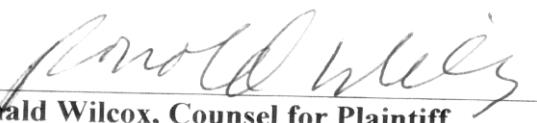
10 Defendant Michael Gurney, president of Creditcare, Inc., had indicated he has spoken to other
11 attorneys, expects to hear back next week from potential counsel, and will retain counsel promptly.
12 In light of defendants not having counsel at this time the parties have agreed to post-pone the above
13 pending matters. Defendants will immediately inform plaintiffs once new counsel is retained, and the
14 parties will then meet and confer to discuss the rescheduling of the above-matters.
15

16 Defendants had filed motions to stay class discovery in both matters, since the Court had yet to
17 certify a class. The court has now certified a class. The parties request that the Court post-pone the
18 Motions to Stay Class Discovery (currently set for December 13, 2005 and December 21, 2005), by
19 withdrawing them from calendar, to be reset, after defendants' new counsel meets and confers with
20 plaintiffs.
21

22 **Request to Continue CMC from November 18, 2005 to**

23 In light of the above, the parties believe it would be appropriate to continue the Case
24 Management Conference from November 18, 2005 to December 9, 2005.
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26 Dated: November 10, 2005


Ronald Wilcox, Counsel for Plaintiff

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28 Dated: November 10, 2005

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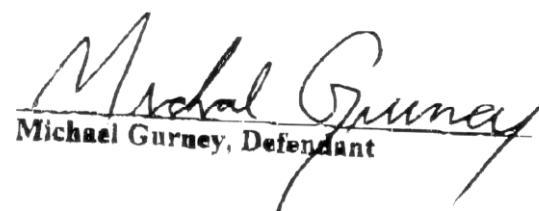
CREDITCARE

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From: LAW OFFICE OF RON WILCOX

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3 Michael Gurney, Defendant
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3 **[PROPOSED] ORDER**
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5 The CMC set for November 18, 2005 is continued to December 9, 2005.
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7 The Motions to Stay Class Discovery, set for December 13, 2005, and December 21, 2005, are off
8 calendar until Defendants' counsel meets and confers with plaintiffs counsel to reset the matters.
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11 **IT IS SO ORDERED:**

12 s/electronic signature authorized

11/14/05

13 **HON. JEREMY FOGEL, U.S. DISTRICT COURT JUDGE**

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